

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VALTRUS INNOVATIONS LTD.,

§

Plaintiff,

§

v.

CIVIL ACTION NO. 2:24-CV-00142-JRG

DAWN ACQUISITIONS LLC (D/B/A
EVOQUE DATA CENTER SOLUTIONS),

§

Defendant,

§

and

§

VERTIV CORPORATION,

§

Intervenor.

§

ORDER

Before the Court is the Motion to Dismiss (the “Motion”) filed jointly by Plaintiff Valtrus Innovations, Ltd. (“Plaintiff”) and Defendant Dawn Acquisitions LLC (d/b/a Evoque Data Center Solutions) (“Dawn”). (Dkt. No. 67.) In the Motion, the parties represent that the parties have resolved all Plaintiff’s claims for relief against Dawn. (*Id.*) Accordingly, the parties move to dismiss Plaintiff’s claims for relief against Dawn with prejudice. (*Id.*) The Court notes that despite Vertiv Corporation having not joined the Motion, Vertiv Corporation intervened in the case for the sole purpose of “defending claims arising from Defendant Dawn[’s] . . . alleged use of Vertiv products.” (Dkt. No. 56 at 2.) Vertiv Corporation seeks no other relief in this case.

Having considered the Motion, the Court finds that the same should be and hereby is **GRANTED**. Accordingly, it is **ORDERED** that all the Plaintiff’s claims against the Defendant in the above-captioned case are **DISMISSED WITH PREJUDICE**. The parties are each to bear their own costs and attorneys’ fees. All pending requests for relief in the above-captioned cases

not expressly granted herein are **DENIED AS MOOT**. As there are no remaining active claims, the Clerk of Court is directed to **CLOSE** this case.

So ORDERED and SIGNED this 30th day of August, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE